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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,926	09/05/2003	Hiroshi Mori	031062	5473
38834	7590	09/02/2009		
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			EXAMINER BENOIT, ESTHER	
			ART UNIT 2442	PAPER NUMBER
			NOTIFICATION DATE 09/02/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/654,926	<b>Applicant(s)</b> MORI ET AL.	
	<b>Examiner</b> ESTHER BENOIT	<b>Art Unit</b> 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 1 and 3-10 are pending in this application. Claims 9 and 10 have been added. Claims 1 and 3-8 have been amended. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Response to Arguments***

2. Applicant's arguments, see Remarks, filed 8/10/2009, with respect to the rejection(s) of claim(s) 1 under 35 U.S.C. 103(a) have been fully considered. Some arguments are persuasive and some are not. The arguments that are not persuasive are addressed below:

#### **Arguments under 35 U.S.C. 103(a)**

##### ***Arguments to Claim 1:***

a) The prior art Shoji does not suggest "wherein said definition files are provided on a field device basis".

##### ***Arguments to Claim 9:***

a) The prior art Gretta does not suggest the feature wherein diagnostic data is read from the field devices.

##### ***Response to arguments of Claim 1:***

As to point a, the argument has been considered but is not persuasive. The claim limitation recites "create definition files that define the way the data of said field devices

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is displayed” and “said definition files are provided on a field device basis”. Shoji discloses an ACF11 (I/O module) which acts as a fieldbus device that interconnects a fieldbus system with a Distributed Control System. The ACF11 includes a definition file builder that defines configuration data for each fieldbus device. The data is then downloaded to its respective fieldbus device where its status can be viewed on an HIS screen (pg. 23, Col. 2). Therefore, there is provided a definition file for each field device.

***Response to arguments of Claim 9:***

As to point a, the argument has been considered but is not persuasive. Gretta does not limit the data read when the field devices and blocks are scanned across the network. Therefore, the diagnostic data may also be included in the general description of the data read as described in the reference Gretta.

As to any claims not specifically discussed, the applicants argued that it was patentable for one of the reasons discussed above. Please see response to above arguments for unspecified discussions.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gretta, Jr. (6,076,952), in view of Shoji et al. (*Fieldbus System Engineering*, 1999).

**With respect to claim 1**, Gretta discloses:

- data acquisition device for reading data from field devices connected to a fieldbus (Col. 10, lines 8-16)
- description device for writing data read by said data acquisition device (Col. 10, lines 45-67)
- generation device for interpreting data to generate display data (Col. 10, lines 59-67)
- display device for displaying said generated display data on a personal computer on a network (Col. 10, lines 21-28)

Gretta does not explicitly disclose creating definition files to define the way data of field devices are displayed.

However, Shoji discloses creating definition files to define the way data of field devices are displayed (pg. 23, Col. 2, paragraph 2, “(2) Engineering of DCS...”)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Gretta to incorporate the teachings of Shoji to creating definition files to define the way data of field devices are displayed, *because* it will define configuration data that will be displayed for each field device.

**With respect to claims 3 and 4**, Gretta discloses the display device displays the diagnostic parameters of said field devices and the statuses (Col. 4, lines 38-48)

Gretta does not explicitly disclose creating definition files to define the way data of field devices are displayed.

However, Shoji discloses creating definition files to define the way data of field devices are displayed (pg. 23, Col. 2, paragraph 2, “(2) Engineering of DCS...”)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Gretta to incorporate the teachings of Shoji to creating definition files to define the way data of field devices are displayed, *because* it will define configuration data that will be displayed for each field device.

**With respect to claim 5**, Gretta discloses said display device displays alarms present in said field devices (Col. 34, lines 44-50)

Gretta does not explicitly disclose creating definition files to define the way data of field devices are displayed.

However, Shoji discloses creating definition files to define the way data of field devices are displayed (pg. 23, Col. 2, paragraph 2, “(2) Engineering of DCS...”)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Gretta to incorporate the teachings of Shoji to creating definition files to define the way data of field devices are

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displayed, *because* it will define configuration data that will be displayed for each field device.

**With respect to claim 6**, Gretta discloses the display device has an area for setting an update interval at which said data acquisition device reads data from said field devices and said data acquisition device reads data from said field devices at said update interval set in said update interval setting area (Col. 34, lines 15-21)

**With respect to claim 7**, Gretta discloses the update interval setting area is provided with a refresh button that allows said data acquisition device to read data from said field devices at a desired point in time, and said data acquisition device reads data from said field devices at said desired point in time set using said refresh button (Col. 23, line 60)

**With respect to claim 8**, Gretta does not explicitly disclose the display unit comprises a definition device for defining diagnostic parameters to be displayed on a field device basis, wherein said description device writes to said definition files according to definitions provided in said definition device

However, Shoji discloses the display unit comprises a definition device for defining diagnostic parameters to be displayed on a field device basis, wherein said description device writes to said definition files according to definitions provided in said definition device (pg. 23, Col. 2, paragraph 2, “(2) Engineering of DCS...”)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Gretta to incorporate the

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teachings of Shoji to definition device for defining diagnostic parameters, *because* it will define configuration data that will be displayed for each field device.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esther Benoit whose telephone number is 571-270-3807. The examiner can normally be reached on Monday through Friday between 7:30 a.m and 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Caldwell/  
Supervisory Patent Examiner, Art  
Unit 2442



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E.B.

August 19, 2009